

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LINCOLN UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2011061010

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
PREHEARING CONFERENCE

On August 3, 2011, the Lincoln Unified School District (District) filed a request to continue the currently set prehearing conference (PHC) of August 8, 2011, to August 10, 2011, on the ground that District's counsel is unavailable on August 8, 2011. The Office of Administrative Hearings (OAH) did not receive a written response from Parent, however, on August 3, 2011, Parent informed OAH staff that he wanted to continue both the PHC and the hearing, and would work with District on new dates. On August 4, 2011, Parent informed OAH that he was continuing to work with District on new dates, but was unwilling to agree to a continuance of the PHC at this time. OAH accepts this representation as an opposition to District's request to continue.¹

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) Speedy resolution of the due process hearing is mandated by law and continuance of the hearing may be granted only upon a showing of good cause. (Ed. Code, § 56505, subd. (f)(3).) In ruling upon a motion for continuance, OAH is guided by the provisions found within the Administrative Procedure Act and the California Rules of Court that concern motions to continue. (Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, rule 3.1332.) Generally, continuances of matters are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

OAH has reviewed the request for good cause and the request is:

Granted. The PHC set for August 8, 2011, is vacated. This matter will be set as follows:

1. The PHC shall take place on August 10, 2011, at 1:30 p.m.

¹ Should the parties subsequently reach agreement on possible new dates in this matter, that request for continuance will be evaluated on its own merits of whether the parties have established good cause.

2. The due process hearing date of August 16, 2011, remains as calendared.

IT IS SO ORDERED.

Dated: August 5, 2011

/s/

BOB VARMA
Presiding Administrative Law Judge
Office of Administrative Hearings